

declares the House in recess until noon today.

Accordingly (at 11 o'clock and 45 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Dear God, we give You thanks for giving us another day.

We ask Your special blessing upon the Members of this people's House. They face difficult decisions in difficult times, with many forces and interests demanding their attention.

Give them generosity to enter into their work. May they serve You in the work they do, as You deserve; give of themselves and not count the cost; fight for what is best for our Nation and not count the wounds; toil until their work is done and not seek to rest; and labor without seeking any reward, other than knowing they are doing Your will and serving the people of this great Nation.

Bless them, O God, and be with them and with us all this day and every day to come. May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. POE of Texas. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri (Mr. CLEAVER) come forward and lead the House in the Pledge of Allegiance.

Mr. CLEAVER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE (H. DOC. NO. 112-44)

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives; which was read and, together with the accompanying document, referred to the Committee on House Administration and ordered to be printed:

HOUSE OF REPRESENTATIVES,

Washington, DC, July 19, 2011.

Hon. JOHN BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have received the following correspondence regarding the election of Janice Hahn to fill the vacancy of the 36th congressional district for the state of California. The correspondent was not a candidate for office and affirms that he is not eligible to contest the election under the law. As such, I forward the correspondence to the House for its disposal.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk.

Enclosure.

JULY 18, 2011.

Hon. KAREN L. HAAS,
Clerk of the House of Representatives,
Washington, DC.

DEAR MS. HAAS, I am protesting the election of Janice Hahn in the July 12, 2011 Special Election to fill the vacancy for the Thirty-Sixth Congressional District of California.

As I was not a candidate for this election, I am not eligible to challenge the election under the preferred method specified by the Federal Contested Elections Act. I am, however, eligible to protest the election according to Chapter 9 of Volume 2 of Deschler's Precedents of the United States House of Representatives which provides for a protest filed by "any other person" to be referred to the Committee on House Administration for investigation.

The House of Representatives has the constitutional authority to determine if a Member-elect is "duly elected." See *Powell v. McCormack* (1969). Further, the U.S. Supreme Court made it clear that the House of Representatives is the final authority to make "an unconditional and final judgment" in determining questions regarding the elections of Members of that body, and that the courts have no role in reviewing any such determination. See *Roudebush v. Hartke* (1972).

The election referenced above was not a valid election because it violated Article 1, Section 4, clause 1 of the Constitution:

"The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators."

The Manner of holding this special election was not prescribed by the California State Legislature, but rather through a ballot process which amended the State Constitution. Senate Bill 6 approved a ballot measure to be placed for consideration before the people of the State of California. This action did not prescribe the manner of elections. The people of the California, and not the legislature thereof, then prescribed the manner of holding elections by voting in favor of Proposition 14, which institutes a "top two primary system" within the California State Constitution. The merits and shortcomings of this particular system are irrelevant to

the constitutional question being raised. The process by which this system was prescribed is a direct violation of both the letter and the spirit of the U.S. Constitution.

Further, since Proposition 14 instituted the election process within the state constitution, the state legislature is not able to specify a different process, should it so choose. This is also a direct violation of both the letter and the spirit of the U.S. Constitution. Finally, choosing the manner of holding elections is not a duty that can be delegated directly to the legislature. Such delegation would violate both the previously mentioned clause as well as Article 4, Section 4 of the Constitution:

"The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence."

As such, any election held under this process, which was not prescribed by the legislature of California, is not valid and the office should remain unfilled until such time as a constitutional election can take place.

Respectfully,

TONY DETORA.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

AMERICA'S JOBLESSNESS

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Alabama. Mr. Speaker, this country has a real problem with jobs, or the lack of jobs, and our economy. It's what we in the Congress need to be debating solutions to resolve. Instead, we're having to argue with the President about our debt ceiling.

The President is refusing to cut spending that every American knows we have to do unless he gets tax increases. And he's threatening to withhold Social Security checks from seniors to get his way. I think that's shameful, and he's going to have to answer for that one day. But right now, we've got a solution in the House, the Republicans do, called Cut, Cap, and Balance, that will limit spending to a level that we can afford in a responsible way without new taxes.

We're urging the President to do something big. He says he wants to do something big about our debt problem. This is the solution. We urge him to work with us and not demand new taxes. And once he will do that, we can turn to some meaningful things that will help improve the job situation, which, by the way, is at 9.2 percent unemployment and going in the wrong direction. We can do some things, like getting the regulators off our community banks so that small businesses can have access to capital, and shrinking the size of EPA and OSHA and NLRB, which are bloated in their infrastructure and are just stifling jobs in America. We have a lot of things we can do. But first, we've got to get our spending under control.